

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MARIELA DIAZ PEREZ

DEBTOR

CASE NO. 12-01306-BKT

CHAPTER 13

**DEBTOR'S MOTION AND NOTICE OF FILING OF SECOND POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329**

TO THE HONORABLE COURT:

NOW COMES, MARIELA DIAZ PEREZ, the debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The debtor is hereby submitting a Second Post-confirmation Modification of Chapter 13 Plan, 11 USC Section 1329, dated February 19, 2014, herewith and attached to this motion.
2. This Plan modification is filed to correct and clarify the amount of the secured arrears to be paid through the Trustee for secured creditors EMI Equity Mortgage and Toyota Motor Credit.

NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)(2)(b)

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via regular mail to the debtor and to all creditors and interested parties appearing in the master address list, hereby attached.

Page 2

Case no. 12-01306-BKT

Post confirmation modification of chapter 13 Plan

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 19th day of February, 2014.

/s/Roberto Figueroa Carrasquillo
ROBERTO FIGUEROA CARRASQUILLO
USDC 203614
ATTORNEY FOR PETITIONER
PO BOX 193677
SAN JUAN PR 00919-3677
TEL 787-744-7699 FAX NO 787-746-5294
EMAIL: rfigueroa@rfclawpr.com

United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 12-01306-13

DIAZ PEREZ, MARIELA

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>2/19/2014</u> <input type="checkbox"/> AMENDED PLAN DATED: _____ <input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other													
<p>I. PAYMENT PLAN SCHEDULE</p> <table style="width:100%;"> <tr> <td>\$ <u>100.00</u> x <u>19</u> = \$</td> <td><u>1,900.00</u></td> </tr> <tr> <td>\$ <u>120.00</u> x <u>23</u> = \$</td> <td><u>2,760.00</u></td> </tr> <tr> <td>\$ <u>387.00</u> x <u>18</u> = \$</td> <td><u>6,966.00</u></td> </tr> <tr> <td>\$ _____ x _____ = \$</td> <td></td> </tr> <tr> <td>\$ _____ x _____ = \$</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL: \$ <u>11,626.00</u></td> </tr> </table> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ <u>11,626.00</u></p> <p>III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,861.00</u></p> <p>Signed: <u>/s/ MARIELA DIAZ PEREZ</u> Debtor</p> <p>_____ Joint Debtor</p>	\$ <u>100.00</u> x <u>19</u> = \$	<u>1,900.00</u>	\$ <u>120.00</u> x <u>23</u> = \$	<u>2,760.00</u>	\$ <u>387.00</u> x <u>18</u> = \$	<u>6,966.00</u>	\$ _____ x _____ = \$		\$ _____ x _____ = \$		TOTAL: \$ <u>11,626.00</u>		<p>II. DISBURSEMENT SCHEDULE</p> <p>A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____</p> <p>B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <p>1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>EMI EQTY MTGE</u> Cr. <u>TOYOTA MOTOR CR</u> Cr. <u>TOYOTA MOTOR CR</u> # <u>C1m3-3Pre&Post-Pet</u> # <u>C1m 5-1Pre-Petition</u> # <u>C1m10-1Post-Petition</u> \$ <u>1,479.51</u> \$ <u>17.23</u> \$ <u>794.00</u> </p> <p>2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ </p> <p>3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ </p> <p>4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ </p> <p>6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>EMI EQTY MTG</u> <u>TOYOTA MOTOR CR</u> </p> <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <p>1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ </p> <p>2. Unsecured Claims otherwise receive PRO-RATA disbursements.</p> <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) * "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The plan shall be deemed modified by such amount, without the need of further Court order. The debtor(s) shall seek court's authorization prior any use of funds." Late filed claims filed by creditors will receive no distribution. "Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank. Debtor reserves the right to object claims after plan confirmation. </p>
\$ <u>100.00</u> x <u>19</u> = \$	<u>1,900.00</u>												
\$ <u>120.00</u> x <u>23</u> = \$	<u>2,760.00</u>												
\$ <u>387.00</u> x <u>18</u> = \$	<u>6,966.00</u>												
\$ _____ x _____ = \$													
\$ _____ x _____ = \$													
TOTAL: \$ <u>11,626.00</u>													

Attorney for Debtor R. Figueroa Carrasquillo Law Office

Phone: (787) 744-7699

DIAZ PEREZ, MARIELA
PO BOX 214
YABUCOA, PR 00767-0214

SCOTIABANK
PO BOX 362649
SAN JUAN, PR 00936-2649

R. Figueroa Carrasquillo Law Office
PO Box 186
Caguas, PR 00726-0186

SECURITY CREDIT
GECC
2612 JACKSON AVE W
OXFORD, MS 38655-5405

AT&T
5407 ANDREWS HWY
MIDLAND, TX 79706-2851

TOYOTA MOTOR CREDIT CORP
PO BOX 2730
TORRANCE, CA 90509-2730

BANK OF AMERICA
PO BOX 53132
PHOENIX, AZ 85072-3132

US DEPARTMENT OF EDUCATION
501 BLEECKER ST
UTICA, NY 13501-2401

EMI EQTY MTG
PO BOX 361414
SAN JUAN, PR 00936-1414

EMI EQTY MTGE
C/O WALLACE VAZQUEZ SANABRIA
PO BOX 362394
SAN JUAN, PR 00936-2394

ENHANCRCVRCO
SPRINT
8014 BAYBERRY RD
JACKSONVILLE, FL 32256-7412

JC PENNEY
PO BOX 364788
SAN JUAN, PR 00936-4788

MAZA & GREEN
PO BOX 364028
SAN JUAN, PR 00936-4028

OPERATING PARTNERS
PO BOX 194499
SAN JUAN, PR 00919-4499